



Sturgis City Council Regular Meeting Agenda

December 5, 2016

**6:00 pm Executive Session -- 6:30 pm Regular Meeting
Commissioners' Room, Erskine Building
1300 Sherman Street, Sturgis, SD 57785**

- 1. Call to Order**
- 2. Approval of the Agenda**
- 3. Executive Session**
 - 1) Legal Cases – 2
 - 2) Contracts – 2
 - 3) Personnel – 3
- 4. Pledge of Allegiance – 6:30 pm**
- 5. Announcements and Praise**
- 6. Informational Reports**
 - a. Park Board Minutes 10/19/2016
- 7. City Manager's Report**
 - a. Sales Tax Update
 - b. Payroll Changes – within budget:
 1. Public Works Dept – Director – Rick Bush – reorganization
 2. Ambulance Dept – EMT-B – Sarah Gleason - \$12.00 (no change)
 - c. City Credit Card Usage
- 8. Consider Consent Calendar**
 - a. Consideration to approve the minutes from the November 21, 2016 regular council.
 - b. Consideration to approve setting a public hearing on December 19, 2016 a Use on Review for Brandy Nikkila for an in-home daycare at 2020 & 2030 Park Ave.
 - c. Consideration to approve setting a public hearing on December 19, 2016 for a Variance for MHI Investments for an east side setback at 1423 Main.
 - d. Consideration to approve setting a public hearing on December 19, 2016 for a Variance for Scott Sabers for all setbacks at 2327 Junction Ave.
 - e. Consideration to approve Resolution 2016-66 – Surplus Property for two Harley Davidson Motorcycles.
 - f. Consideration to approve the contract extension for Airport Management Services from January 1, 2017 through March 31, 2017.
 - g. Consideration to authorize the City Manager to sign an electric easement underground on the City's Recycling Center.

- h. Consideration to setting a public hearing on December 19, 2016 for SRF funding for the Sturgis Wastewater System Improvement Project.

9. Approval of the claims

10. Public Hearings

- a. Consideration to approve for the Knuckle Saloon a Special Events License for the Liquor Store Open House on December 9, 2016
- b. Consideration to approve for a transfer of Retail on-off sale Malt Beverage license from Poker Alice Casino to Lorna Duprel at 2640 Lazelle.

11. Reports

- a. Consideration to approve first reading of Ordinance 2016-12 - Title 14 – Parks and Recreation
- b. Consideration to approve first reading of Ordinance 2016-13 - Title 18 – Zoning – In-home businesses and paving
- c. Sturgis® Motorcycle Rally Inc. TM - 2017 “The Legend Lives On” Strategy
- d. Consideration to approve first reading of Ordinance 2016-14 - Title 31 – Licensing of Temporary Businesses
- e. Consideration to approve Resolution 2016-67 – Issuance of Open Container during 2017 Sturgis® Motorcycle Rally TM.

12. Other matters that may come before the Council

To address the City Council, please stand behind the podium and state your name clearly into the microphone for the public record. Please keep your comments respectful and complete your comments in three minutes or less. If you are unable to approach the podium due to a physical limitation, a portable microphone will be provided.

13. Executive Session – SDCL 1-25-2

Continuation of #3 if needed.

14. Adjourn



Park Board Meeting

October 19, 2016
Meade County Extension Office
7:00 PM

Members Present: Bill McKee, Keith Smit, Janine Short, and Gene Stock

Members Absent: Tom Hermann, Tony Dargatz

Others Present: Rick Bush, Rhea Crane, Mike Bachand, Liz Wunderlich

New Business:

Approve minutes from September Meeting

Janine made a motion to approve minutes, seconded by Bill. Minutes approved by Park Board

Review Expense report

Gene provided an expense summary report to the Park Board for review. Keith made a motion to approve the expense report. Bill seconded the motion. Motioned carried

Old News:

Old Stone Shelter

Liz W (city engineer) updated Park Board on the status of the Old Stone Shelter. She asked for opinions on colors so she can get the shelter ordered. She will contact the company for some actual color samples.

Ft Meade Trail

The field survey of the existing ground and features in the area of the proposed trail has come back. The School Board is agreeable to connecting the existing trail on the north side of Hwy 34 to the crosswalk, which will be partially on School Property. The City Council has done a resolution for installing a Flashing Beacon at the intersection by the school. Liz stated the DOT may help with the cost for the bases. She asked Park Board to write a letter in support of the beacon light. Project should start in early spring

Shop location

There will be an architecture design meeting next week. They will do a needs assessment to determine size and location. Construction could start as soon as late fall

1st Ave Trailhead

Liz informed Park Board that it should be fairly easy to remove the bollards and extend the trail on to the road using the street gutters on the south side of the street. She will get a cost estimate to Angie so we can proceed with a Council Report to get the approval to remove the bollards.

Community Garden #2

Water is in, dirt has been delivered, wood chips placed in walkways. Other than a storage shed and portapot, the Community Garden is finished and will be ready to use next spring

TreeWorks Software- No new information since last meeting- (*Received paperwork to purchase software, visited with Community Forestry to purchase the software. They need to visit with Dr Ball to finalize the price so we can get it purchased.*)

Skateboard Park

Tony stated that a committee is working on finding a home and expanding the skateboard park. We have suggested that they get a plan and a price together and then bring it to council for further direction.

Other:

Gene will schedule a time to meet with citizens interested in a Pickleball court at the Tennis Courts. It has been brought to City Council that the Skateboard Park is also interested in that location

Gene informed Park Board that the Parks Dept is fully staffed now with the hiring of two new staff members. One has already started and one will start on Monday

Kevin Forrester updated Park Board on the BH Trails. He stated that the meeting with GF & P went well. The group received monies for the county to do dirt work for a trailhead and parking lot at the corner of Pineview Dr and Vanocker Canyon Rd. Kevin stated the Kiosk at Lions Club Trailhead is ready to be installed this spring.

The next Park Board meeting is scheduled for November 17, 2016.

Meeting adjourned 7:40 PM

Submitted by
Angie Shideler



Payroll Change/New Hire Form

Name Rick Bush

Job Title Director, Public Works

Department Streets / Sanitation / Wastewater / Water (25%)

Brief Job Description (1-2 sentences) Day to day, strategic and financial operations of Streets, Street Lighting, Snow Removal, Wastewater, StormWater, Sanitation, Parks, Cemetery, Water and Buildings departments. Oversight of all City capital improvement and infrastructure projects. Handles citizen and resident concerns and complaints.

Status: (Full time, Part time, Seasonal, etc.) Reorganization (Full time exempt => no change)

New Wage \$3,271.73 per pay period

Effective Date October 17, 2016

Council Date December 5, 2016

Notes: (Indicate whether within budget, new position, replacement employee, etc.)

Retroactive effective date to date of reorg. This does not include 3% COLA in 2017.

This compensation change is the result of the recent reorganization that the City underwent to combine Water and Parks into the existing Public Works.

Signature of Department Head

Dan Ainslie

Reviewed by Human Resources:

Lisa Katzenstein

[Signature]

Authorization:

Daniel Ainslie, City Manager

Dan Ainslie



Payroll Change/New Hire Form

Name Sarah Gleason

Job Title EMT-B

Department Sturgis Ambulance Service

Brief Job Description (1-2 sentences) Responds to emergencies and dispatches
at EMT-Basic level.

Status: (Full time, Part time, Seasonal, etc.) Change status to Half Time
Sarah's hours are already above threshold.

New Wage No change (\$12.00)

Effective Date January 1, 2017

Council Date December 5, 2016

Notes: (Indicate whether within budget, new position, replacement employee, etc.)

Current employee. Works in front office as well doing billing.

Signature of Department Head

Shaun Fischer

Reviewed by Human Resources:

Lisa Katzenstein

[Signature]

Authorization:

Daniel Ainslie, City Manager

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:00 p.m. on Monday, November 21, 2016 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson (arrives at 6:12pm), Rhea Crane, Rod Bradley, Tony Dargatz, David Martinson and Ronald Waterland. Also present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: Mike Bachand and Steve Keszler.

Motion by Waterland, second by Dargatz and carried with all members present voting yes to approve the agenda.

Motion by Martinson, second by Crane and carried with all members present voting yes to go into executive session for one legal case, one contract and one personnel at 6:02 pm.

Motion by Tony, second by Waterland to return to regular session at 6:37 pm.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Announcements:

- The Sturgis Liquor store will be participating in Black Friday.
- The Sturgis Library will be having a sale of books and puzzles on December 1st, 2nd and 3rd.
- The Christmas tree lighting will be on December 1st and the Parade of Lights will be on December 2nd.
- Mayor Carstensen proclaimed November 26th Small Business Saturday.

Informational Reports:

- Cody Gunsteneon, representative for Buxton, gave a PowerPoint presentation on their Company that enhances business retention, expansion and recruiting for communities.

City Manager Ainslie reported:

- **Payroll Changes** – within budget:
 1. Planning & Permitting – Director – David Smith - \$2038.46/pay period.
 2. Manager/Planning & Permitting – Seasonal Administrative Assistant – Aaron Munsell - \$11.00.

Motion by Waterland, second by Anderson and carried with all members present voting yes to approve the following items on the consent calendar with the exception of removing h & i:

- a. Consideration to approve the minutes from the November 7, 2016 regular council.
- b. Consideration to approve setting a public hearing on December 5, 2016 for the Knuckle Saloon a Special Events License for the Liquor Store Open House on December 9, 2016.
- c. Consideration to approve Resolution 2016-64 – Plat for Peter & Elaine Pi, Boehrs Subdivision

RESOLUTION 2016-64 RESOLUTION APPROVING PLAT

WHEREAS, the statues of the State of South Dakota require that plats of property within the jurisdiction of the City of Sturgis be submitted to the governing body for approval before the same are recorded in the Office of the Register of Deeds; and

WHEREAS, the City of Sturgis Planning and Zoning have presented to the Common Council of the City of Sturgis a plat of the following described real property for Pinnacle Land Company, LLC – Peter R, Pi, IV and Elaine Pi:

Plat of Lot 2, Lot 3 and Lot 4 of Boehrs Subdivision. Formerly the S1/2 of the NE1/4 of Section 8, Excepting Lot JW-1 and Tract B of the Tysdal Subdivision, Tract A of Jackpine Gypsies Subdivision, Lot 1 of Boehrs Subdivision AND Previously Dedicated Public Right-of-Way. Located in Township 5 North, Range 5 East, Black Hills Meridian, Meade County, South Dakota.

WHEREAS, said plat meets the requirements of the statutes in all things, now therefore,

BE IT RESOLVED by the Common Council of the City of Sturgis, South Dakota, that the within and foregoing plat is hereby approved.

Dated this 21st day of November, 2016.

Published: 12-07-2016

Effective: 12-28-2016

- d. Consideration to approve setting a public hearing on December 5, 2016 for a transfer of Retail on-off sale Malt Beverage license from Poker Alice Casino to Lorna Duprel at 2640 Lazelle.
- e. Consideration to approve the Sturgis Parade of Lights route on December 2, 2016.
- f. Consideration to approve Resolution 2016-65 – Bridge Improvement Grant Program.

RESOLUTION 2016-65

BRIDGE IMPROVEMENT GRANT PROGRAM RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS

WHEREAS, the City of Sturgis wishes to submit an application/applications for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATION(S):

47-024-427 is located on 9th Street in the City of Sturgis over Bear Butte Creek

and **WHEREAS**, N/A certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan*;

and **WHEREAS**, City of Sturgis agrees to pay the 20% match on the Bridge Improvement Grant funds;

and **WHEREAS**, City of Sturgis hereby authorizes the Bridge Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South. Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Vote of Commissioners/Council: Yes 7 No 0

Dated at Sturgis, SD, this 21st day of November, 2016.

Published: 12-07-2016

Effective: 12-28-2016

- g. Consideration to authorize Mayor to sign the Agreement with SD DOT for the purchase of a truck & snowplow for the airport.
- ~~h. Consideration to authorize the City Manager to sign the Funding Agreement (our-portion \$15,668.36) for the temporary traffic signal at Highway 14A and Short Track Road.~~
- ~~i. Consideration to approve Amendment #1 to Agreement 714589 with SD DOT for traffic signals at Highway 14A and Short Track Road for this temporary new traffic signal.~~

Motion by Bradley, second by Dargatz and carried with all members present voting yes to authorize the City Manager to sign the Funding Agreement (our-portion \$15,668.36) for the temporary traffic signal at Highway 14A and Short Track Road (Moose Drive).

Motion by Bradley, second by Waterland and carried with all members present voting yes to authorize the City Manager to sign Amendment #1 to Agreement 714589 with SD DOT for traffic signals on State highway system for this temporary new traffic signal at Highway 14A and Short Track Road. (Moose Drive).

Motion by Crane, second by Martinson and carried with all members present voting yes to approve the following claims with the addition of SMRi:

WAGES – Ambulance \$52,499.35; Attorney \$6749.66; Auditorium \$358.99; Buildings \$2158.99; Cemetery \$4835.97; City Manager \$9169.44; Community Center \$21,256.73; Finance Office \$17,118.56; Fire Department \$443.95; Human Resource \$5092.58; Library \$16,886.75; Liquor \$27,081.38; Mayor and Council \$7109.00; Parks \$19,754.28; Planning & Permitting \$13,957.72; Police \$75,852.55; Rally \$13,301.94; Recreation \$6867.82; Sanitary Service \$28,182.57; Streets \$24,570.72; Wastewater \$16,420.87; Water \$25,930.85; Federal Withholding \$36,253.30; FICA \$34,137.45.

COMBINED CASH FUND – Brian & Robin Eddington, \$61.32, refund; First Interstate Bank, \$2,000.00, ATM.

GENERAL – A&B Business, \$150.57, sup; A&B Welding, \$51.18, rep; Alex Air Apparatus, \$330.10, sup; Amcon Distributing, \$270.55, resale; Argus Leader, \$256.16, pub; Black Hills & Badlands Tourism Assn, \$2,295.00, sup; Black Hills Chemical, \$925.09, sup; Black Hills Energy, \$14,513.57, util; Black Hills Finance Office, \$30.00, other; Black Hills Urgent Care, \$60.00, prof fee; Sean Briscoe, \$500.00, ins; Kathy Bulau, \$9.95, travel; Campbell Supply, \$303.13, sup; CBH, \$8,920.99, sup; Coca Cola, \$468.00, sup; Dakota Battery & Electric, \$149.90, rep; Dakota Hardware, \$481.95, sup; Double Star Computing, \$5,056.04, sup; Ecolab Pest Eliminator, \$658.89, rep; Eddies Truck Sales, \$73.64, rep; Epic Outdoor Advertising, \$1,750.00, rent; First Interstate Bank MasterCard, \$102,983.26, sup; Genpro Energy Solutions, \$684.69, rep; Great Western Tire Co, \$288.35, rep; Rod Heikes, \$500.00, ins; Homeslice Media Group, \$3,500.00, pub; Iron Horse Saloon, \$396.00, mdse; J&L Services, \$1,365.00, rep; Jackson Lewis, \$3,711.50, prof fee; Jambonz Grill & Pub, \$375.00, sup; Lawson Products, \$43.25, rep; Leaning Door Enterprises, \$50.00, rep; Ron Ledford, \$60.00, other; Legends Sales & Marketing, \$938.37, travel; Lynn's Dakotamart, \$320.70, sup; Midco Business, \$42.60, util; Annette Moore, \$500.00, ins; Motion Industries, \$150.27, rep; Owens Interstate Sales, \$236.37, rep; Park Avenue Car Wash, \$9.00, sup; Pete Lien & Sons, \$85.00, sup; Powerplan, \$1,127.05, rep; Ramkota Hotel, \$367.96, travel; Regional Health, \$25.00, prof fee; Robert Sharp & Associates, \$2,968.55, pub;

Rushmore Office Supply, \$722.24, sup; Sacrison Asphalt, \$465.60, sup; Sam Erion Construction, \$244.80, sup; Shopko Stores, \$298.15, sup; Jeanie Shyne, \$500.00, ins; SMRI, \$27,500.00, other; Speedy Lube, \$53.99, rep; Sturgis Motorsports, \$74.91, sup; Sturgis NAPA, \$327.07, rep; Sturgis Rally Charities Foundation, \$1,300.00; Steve Tucker, \$15.50, rep; Vanway Trophy & Award, \$44.15, other; VAST, \$2,069.89, util.; Doug Wagner, \$1,000.00, ins; Weimer's Diner & Donuts, \$22.80, other; West Payment Center, \$160.32, prof fee; Xtreme Dakota Bicycles, \$600.00, sup.

SPECIAL SALES TAX – Black Hills Energy, \$174.74, util; BAST, \$312.30, util.

CAPITAL IMPROVEMENT – Affordably Creative Engineering, \$2,435.00; Black Hills roofing, \$123,779.41; Complete Concrete, \$17,783.73; Fourfront Design, \$4,550.31; Lumichron, \$2,824.85; Meade County Title, \$250.00.

LIQUOR – A&B Welding, \$9.90, sup; Amcon Distributing, \$255.48, resale; Arctic Glacier, \$256.34, resale; Black Hills Security & Systems, \$442.86, other; Cask & Cork, \$1,630.50, resale; Chris Supply, \$19.72, rep; Coca Cola, \$503.95, resale; Double Star Computing, \$299.69, prof fee; Ecolab Pest Eliminator, \$110.75, rep; Fat Boys, Inc., \$237.50, resale; First Interstate Bank MasterCard, \$555.18, resale; Fisher Beverage, \$7,101.75, resale; Homeslice Media Group, \$5,600.00, pub; Johnson Western Wholesale, \$24,128.60, resale; LPA retail Systems, \$127.50, prof fee; Midco Business, \$175.00, util.; Pepsi Cola, \$304.80, resale; Prairie Berry, \$649.00, resale; Quality Brands, \$11,630.60, resale; Republic Beverage, \$17,846.14, resale; Republic, \$14,696.84, resale; Rushmore Office Supply, \$265.75, sup; Schade Vineyard, \$264.00, resale; Southern Glazer's of SD, \$533.90, resale; Sturgis NAPA, \$115.36, rep; VAST, \$293.79, util;

WATER – Advanced Engineering & Environmental, \$41,600.00, cap imp; Affordably Creative Engineering Services, \$1,610.00, cap imp; Bierschbach Equipment, \$885.21, rent; Black Hills Energy, \$9,201.76, util.; Campbell Supply, \$125.51, rep; CBH, \$518.56, sup; Dakota Hardware, \$12.08, sup; Dan's Dumpster Service, \$310.15, other; Double Star Computing, \$518.82, prof fee; Ecolab Pest Eliminator, \$62.10, prof fee; First Interstate Bank MasterCard, \$175.97, rep; Hawkins, \$45.00, sup; HD Supply Waterworks, \$1,119.09, sup; Nikki Kubo, \$500.00, ins; Meade County Times Tribune, \$235.77, pub; Nohava's Custom Construction, \$7,000.00, rep; Owens Interstate Sales, \$6.08 sup; Pete Lien & Sons, \$62.50, sup; Rapid Construction Co., \$61,728.70, cap imp; Richter's Tire & Exhaust, \$23.09, rep; Rushmore Office Supply, \$62.28, pub; SD One Call, \$81.76, prof fee; Shopko Stores, \$31.67, sup; VAST, \$140.32, util.

WASTEWATER – Advanced Engineering & Environmental, \$5,340.20, cap imp; American Engineering Testing, \$1,630.050, cap imp; Campbell Supply, \$35.65, rep; City of Belle Fourche, \$65.24, other; Dakota Hardware, \$5.59, rep; Double Star Computing, \$488.82, prof fee; Great Western Tire Co, \$841.00, sup; Lawson Products, \$53.75, rep; Lynn's Dakotamart, \$8.15, rep; Meade County Weed & Pest, \$2,515.02, other; Midcontinent Testing Lab, \$529.20, prof fee; Owens Interstate Sales, \$17.59, rep; PKG contracting, \$215,448.78, cap imp; Powerplan, \$360.08, sup; Sturgis NAPA, \$97.21, rep; USA Blue Book, \$80.03, sup; Wells Plumbing, \$76.95, rep.

SANITATION – Allstate Peterbilt of Rapid City, \$277.22, rep; Black Hills Energy, \$263.46, util.; Campbell Supply, \$23.03, rep; CBH, \$1,592.80, sup; City of Belle Fourche, \$18,936.54, other; Diesel Machinery, \$2,285.71, rep; Double Star Computing, \$466.32, prof fee; First Interstate Bank MasterCard, \$472.37, rep; Kieffer Sanitation, \$1,368.00, other; Lawson Products, \$43.25, rep; Leaning Door Enterprises, \$53.75, rep; Meade County Weed & Pest, \$2,515.02, other; Owens Interstate Sales, \$347.13, rep; Rapid Delivery, \$14.95, rep; Sturgis NAPA, \$187.59, rep.

AMBULANCE – A&B Welding, \$153.16, sup; Black Hills Energy, \$556.94, util.; Coca Cola, \$6.00, sup; Dale's Tire & Retreading, \$223.06, sup; Double Star computing, \$193.69, prof fee; Ecolab Pest Eliminator, \$38.22, rep; First Interstate Bank MasterCard, \$1,934.99, travel; Lynn's Dakotamart, \$86.85, sup; Physio-Control, \$497.00, sup; Regional Health, \$828.38, sup; Richter's Tire & Exhaust, \$1,238.44, rep; Rushmore Office Supply, \$57.28, sup; Shopko Stores, (\$19.15), sup; Sturgis NAPA, \$173.66, rep; Tom Price, \$5,421.00, other; VAST, \$150.46, util.

Motion by Waterland, second by Anderson and carried with all members present voting yes to approve a Use on Review for William and Brooke Coshow, 1218 Cedar Dr, for a light machining and gun smith home based business. This is a one-year use on review.

Motion by Anderson, second by Martinson and carried with Carstensen, Anderson, Crane, Dargatz, Martinson and Waterland voting yes, Bradley abstaining, to approve the liquor license renewal for 2017 for Low Country Oysters of Sturgis LLD dba The Beaver Bar at 12976 Hwy 34.

A letter was received from Fisher Furniture stating their concerns on this ordinance.

Motion by Bradley, second by Crane and carried with Carstensen, Anderson, Bradley, Crane, Dargatz voting yes, Martinson abstaining and Waterland voting no, to approve second reading of Ordinance 2016-10 – Title 2 – Contractor Licensing & Construction Regulations.

ORDINANCE 2016-10

AN ORDINANCE AMENDING TITLE 2– CONTRACTORS’ LICENSING AND CONSTRUCTION REGULATIONS

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 2 –Contractors’ Licensing and Construction –Chapter 2.01 – General Provisions - Chapter 2.02 – Building Code and Construction Standards; Chapter 2.03 – Building Inspector and Building Permits; Chapter 2.04 – Licensing and Regulation of Construction Contractors; Chapter 2.05 – Electrical Contractor License; Chapter 2.06 – Plumbing Contractor License; Chapter 2.07 – Building and Structure Mover License; Chapter 2.08 - Licensing and Regulation of Public Excavation; Chapter 2.09 – Revocation of Licenses; Chapter 2.10 – Fences; Chapter 2.12 – Miscellaneous and Chapter 2.13 – Appeal Process be amended to read as follows:

TITLE 2

CONTRACTORS’ LICENSING AND CONSTRUCTION REGULATIONS

Chapters:

- 2.01: General Provisions
- 2.02: Building Code and Construction Standards
- 2.03: Building Inspector and Building Permits
- 2.04: Licensing and Regulation of Construction Contractors
- 2.05: Electrical Contractor License
- 2.06: Plumbing Contractor License
- 2.07: Building and Structure Mover License
- 2.08: Licensing and Regulation of Public Excavations
- 2.09: Revocation of Licenses
- 2.10: Fences
- 2.11: Erosion Control Regulations
- 2.12: Miscellaneous
- 2.13: Appeal Process

CHAPTER 2.01 GENERAL PROVISIONS

SECTIONS:

- 2.01.01: Scope and Purpose
- 2.01.02: Definitions for Title

2.01.03: Penalty

2.01.02 DEFINITIONS

BUILDING INSPECTOR: The Building Inspector shall be any person appointed by the City Manager including any designees to perform this duty as provided by this Title.

CONSTRUCTION: The act of construction including but not limited to, the rough framing, remodeling, shingling, siding, new construction, concrete, alteration, addition, repair, improvements, or erection of buildings, erection or installation of signs requiring a permit under the provisions of Title 30 of Sturgis City Ordinances, or installation of all construction required to possess a permit within the city.

CONSTRUCTION STANDARDS: The City approved specifications for the installation of streets, water, sewer and storm sewer improvements within the public right of way or established utility easements.

CONTRACTOR: Any person engaged in or performing construction activities as defined in this Title, or who oversees and/or participates in the act of commercial or residential construction and/or excavation on property other than that owned and occupied by that person, them as their primary residence, or occupied by the person as a Qualified Owner, and who is responsible to the owner for completion of the work. This definition includes any person who is engaged in the act of residential construction and/or excavation, not under contract with a general contractor, on any property other than that owned and occupied by them as their primary residence or for which the person is a Qualified Owner. This definition shall include any person who provides contracted construction activities for a fee.

QUALIFIED OWNER: A person holding an ownership interest, as demonstrated by the records of the Equalization Office, Office of Secretary of State, IRS records and documents, or other comparable evidence of ownership, in the property listed as the worksite in the Permit application and for which the exemption is claimed.

CHAPTER 2.02

BUILDING CODE AND CONSTRUCTION STANDARDS

SECTIONS:

- 2.02.01: Adoption of Building Code
- 2.02.02: Authority of Building Inspector to Prepare Manual of Construction Guidelines
- 2.02.03: Additions, Alterations and Repairs
- 2.02.04: Maintenance
- 2.02.05: Historic Preservation
- 2.02.06: Alternate Materials and Methods of Construction
- 2.02.07: Modifications
- 2.02.08: Tests

2.02.05: HISTORIC PRESERVATION

After receipt of the Permit application and with prior written authorization of the Building Inspector, repairs, alteration and additions necessary for preservation or continued use of the building may be made even if these repairs, alteration and additions are not in conformance to the requirements of this Title. The Building Inspector's authorization is conditional upon the following:

- A. Completion of all requirements of SDCL § 1-19A-11.1;

- B. The building or area having been designated by action of the legally constituted authority of the jurisdiction as having special historical or architectural significance;
- C. Any unsafe conditions are corrected; and
- D. The restored building or area will not be more hazardous, based on life, safety, fire safety and sanitation regulations, than the existing construction.

2.02.07: MODIFICATIONS

When there are practical difficulties involved in carrying out the provisions of this Title, the Building Inspector may grant modifications to a permit for individual cases upon receipt of a written request and after a proper review has been completed by the Inspections Office.

2.02.08: TESTS

Whenever there is insufficient evidence of compliance with any provision of this Title or any evidence that material or construction does not conform to the requirements of this Title or to industry standards, the Building Inspector may require tests as proof of compliance to be made at the expense of the property owner and at no expense to the City. All tests shall be made by an approved agency and all reports shall become property of the City.

CHAPTER 2.03

BUILDING INSPECTOR AND BUILDING PERMITS

SECTIONS:

- 2.03.01: Establishment of the Office of Building Inspector
- 2.03.02: Authority of Building Inspector to Enforce
- 2.03.03: Right of Entry
- 2.03.04: Stop Orders
- 2.03.05: Liability
- 2.03.06: Cooperation of Officials and Officers
- 2.03.07: Permit Required
- 2.03.08: Application for Permit
- 2.03.09: Fees
- 2.03.10: Permit Issued
- 2.03.11: Expiration of Permit
- 2.03.12: Permit Must Be Posted
- 2.03.13: Certificate of Occupancy
- 2.03.14: Temporary Structure Permit Required
- 2.03.15: Requirements for Temporary Structures
- 2.03.16: Exempt Temporary Structures

2.03.01: ESTABLISHMENT OF THE OFFICE OF BUILDING INSPECTOR

There shall be designated a Building Inspector, who shall perform those duties and hold such authority as herein set forth, subject to the supervision of the City Manager. The City Manager may designate someone within the City to with the duties of Building Inspection.

2.03.02: AUTHORITY OF BUILDING INSPECTOR TO ENFORCE

The Building Inspector or designee shall enforce all provisions of this Title. The Building Inspector may request that the City Manager appoint any number of technical officers, deputy inspectors and other employees as is necessary to assist the Building Inspector with enforcement of this Title.

The Building Inspector or designee shall enforce all laws relating to the construction, alteration, removal and demolition of all buildings and structures within the City.

The Building Inspector or designee shall make an examination of any and all plans and specifications for structures to be built within the City, or alterations to be made in or upon any existing structures which will materially change said structures, in order to determine if said plans, specifications or alterations are in conformance with this Title.

The Building Inspector or designee shall make an examination of all applications for building permits and shall determine after said examination whether or not a permit should be granted to such applicant.

The Building Inspector or designee shall have the authority to issue building permits after the completed application has been determined in accordance with this Title, and after all required fees have been received.

The Building Inspector or designee shall have the authority to deny issuance of any permit. Said denial may be based upon failure to comply with any applicable provision of this Title, or any provision of any applicable Building Code or manual.

The Building Inspector or designee shall have the authority to order the removal of any existing building or structure which was unlawfully built or which in the opinion of the Building Inspector is dangerous and/or a safety hazard to the public.

The Building Inspector or designee shall have the authority to require specific testing and inspections in connection with the performance of construction work within the City.

The Building Inspector or designee may be authorized to enforce the Nuisance, Temporary Structure, and Temporary Merchants Ordinances, and also the City Beautification and Regulation of Advertising Ordinance of the City.

The Building Inspector or designee shall be subject to the supervision of the City Manager and hold any and all other duties and powers as specifically granted by any ordinance of the City.

2.03.03: RIGHT OF ENTRY

The Building Inspector or designee shall have the authority to enter upon property in the event it is necessary to make an inspection and/or to enforce the provisions of this Title or when the Building Inspector or other official of the City has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this or any Title of the Sturgis City Ordinances which makes the building or premises unsafe, dangerous or hazardous.

In exercising the aforementioned authority, the Building Inspector or designee shall take all reasonable steps possible to do the following:

- A. Enter the building or premises at a reasonable hour;
- B. In the event the premise is occupied, present his or her credentials to the occupant and request entry; and
- C. In the event the premise is unoccupied, make reasonable effort to locate the owner or other person having charge or control of the building or premises, if known, and request entry.

In the event, entry is refused, the Building Inspector shall proceed with any and all recourse and remedies provided by law to secure entry.

2.03.05: LIABILITY

The Building Inspector or designee is charged with the enforcement of this Title, acting in good faith and without malice in the discharge of the duties required by this Title or other applicable

law or ordinance and shall not thereby be rendered personally liable for damages that may occur to persons or property as result of an act or by reason of an act or omission in the discharge of such duties. This Title shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building, premises or contracting on City land for damages to persons or property caused by defects, nor shall the Building Inspector or the City be held as assuming any such liability by reason of the inspections authorized by this Title or any permits or certificates issued under this manual.

2.03.06: COOPERATION OF OFFICIALS AND OFFICERS

The Building Inspector or designee may request, and shall receive, the assistance and cooperation of other officials of the City so far as it is required for discharge of the duties required by this Title or other applicable laws or ordinances.

2.03.07: PERMIT REQUIRED

Before any person may erect or cause to be erected or constructed a building or structure within the City or causes any alterations to any existing building or structure within the City, they must obtain a Permit from the Building Inspector or designee if improvements or alterations are more than Five Hundred Dollars (\$500.00). An alteration of a building or structure shall for the purpose of this Title include but is not limited to a change to or removal of any partition, interior or exterior wall, ceiling, windows, structural member of roof system or floor, any roof repair or replacement, any deck repair or replacement, any siding repair or replacement, placement of any hard surface material including concrete or asphalt, or any digging or excavation within any Right of Way or any public easement. A Permit is not required for painting, floor coverings, soffet, gutters, and fascia or minor on-going maintenance type repairs.

2.03.08: APPLICATION FOR PERMIT

To obtain a Permit from the Building Inspector or designee, the applicant must make application to the Building Inspector on forms to be furnished by the City. He or she shall include with said application the following information:

- A. A sketch or drawing of the outside wall of the floor of said improvement to be built, drawn at scale of at least $\frac{1}{4}" = 1.0"$ showing all measurements, the distance from property lines, distance from buildings or structures on the same parcel of land and distance from back of curb or from edge of streets;
- B. The name of the owner of the real property to be improved;
- C. The name of the contractor doing the work,
- D. If a Contractor License exemption is claimed by applicant on the basis that the work described in the application is at applicant's primary residence, so state.
- E. If a Contractor License exemption is claimed by applicant on the basis the applicant is a Qualified Owner of commercial property, so state.
- F. For an applicant claiming the Qualified Owner exemption from a Contractor License, provide proof of insurance consistent with the requirements of subsection 2.04.04 of this Title.
- G. The legal description of the property being improved;
- H. The parcel number given to the property by Meade County;
- I. The general description of the improvement and what type of building improvement is to be made;
- J. Plans for the installation of plumbing, electrical wiring, etc; and
- K. Such other information the Building Inspector or designee may request so that he/she may determine if said improvement complies with the Ordinances of the City of Sturgis and the Laws of the State of South Dakota.

2.03.09: FEES

Upon making application for a Permit, any applicant shall pay the appropriate permit fee to the City. If for any reason beyond the applicant's control he/she or it does not construct the proposed project for which the permit was issued, the amount of the permit less a Fifty Dollars (\$50.00) administrative fee may be refunded to the applicant.

The amount of an applicant's Permit fee shall be determined by reference to the following schedule. All such fees shall be paid to the Building Inspector or designee who shall remit the fees to the Finance Officer to be deposited into the general fund of the City.

Permit Fee Schedule

Total Valuation	Fees
\$501 to \$2,000	\$20.00 plus \$2.50 for each additional \$100 in valuation or fraction thereof up to \$2,000
\$2,001 to \$25,000	\$57.00 plus \$10.50 for each additional \$1,000 in valuation or fraction thereof up to \$25,000
\$25,001 to \$50,000	\$298.00 plus \$7.50 for each additional \$1,000 in valuation or fraction thereof up to \$50,000
\$50,001 to \$100,000	\$485.00 plus \$4.50 for each additional \$1,000 in valuation or fraction thereof up to \$100,000
\$100,001 to \$500,000	\$710.00 plus \$4.00 for each additional \$1,000 in valuation or fraction thereof up to \$500,000
\$500,001 to \$1,000,000	\$2,310.00 plus \$3.75 for each additional \$1,000 in valuation or fraction thereof up to \$1,000,000
\$1,000,001 and UP	\$4,185.00 plus \$2.25 for each additional \$1,000 in valuation or fraction thereof.

2.03.10: PERMIT ISSUED

The Building Inspector or designee, upon receiving said application and fee, shall examine the same. If the application is completed, the proper fee is paid, and the improvement conforms to the ordinances and laws of this City, he/she shall issue a Permit to the applicant, which shall entitle the applicant to proceed with the improvement.

If the Building Inspector or designee, upon examination of the application, finds that the application is not complete, or other information is necessary before a decision can be rendered thereon, the Building Inspector may request the additional information from the applicant without the necessity of obtaining a new application or fee.

If the Building Inspector or designee, finds that the improvement applied for does not conform to the Ordinances of the City of Sturgis or the laws of the State of South Dakota, he/she shall reject the application by noting that fact upon the application and returning one copy of the application to the applicant. The other copy of the application shall be retained in the files of the Building Inspector.

2.03.11: EXPIRATION OF PERMIT

Any Permit issued prior to the effective date of this Ordinance shall expire within one year following the effective date of this ordinance.

Any Permit issued under this Title for building of a residence shall expire one year (365 days) from the date of issuance. Any Permit issued under this title for the purpose of constructing any commercial building shall expire two years (730 days) from the date of issuance. No building shall be done under authority of any expired Permit. If the improvement is not completed on the expiration date, a further application for a Permit to complete such structure may be made under the same procedure set forth herein for obtaining the original Permit.

2.03.12: PERMIT MUST BE POSTED

A Permit which has been lawfully issued shall be posted in a conspicuous place upon the premises at all times from the beginning until the completion of such construction, alteration or repair. No person shall do any building in the City without the Permit posted as required.

2.03.13: CERTIFICATE OF OCCUPANCY

No owner may cause or allow a newly constructed or remodeled building to be occupied, or allow the premises of a remodeled building to be occupied, after a change of occupancy classification as defined in the Building Code has occurred, unless the owner shall first obtain a Certificate of Occupancy from the Building Inspector. Upon completion of the building, remodeling, or prior to change of occupancy, if the building is found to be in compliance with the City of Sturgis Ordinances and laws of the State of South Dakota by the Building Inspector, the Certificate of Occupancy shall be provided. No person shall permit a newly constructed or remodeled structure with a change of Classification Use to be occupied without first obtaining an occupancy Certificate as provided herein.

2.03.15: REQUIREMENTS FOR TEMPORARY STRUCTURES

The following requirements shall apply to all temporary structures, except those specifically exempted above.

- A. The structural frame of all temporary structures shall be made of steel, aluminum, PVC or wood. If constructed of wood, the smallest wood member shall not be less than 2" by 4" in width.
 1. Wood used for the interior and exterior skins of a temporary structure may be as follows: ½" plywood, ½" chipboard, or particleboard.
 2. Wood, as defined above, may also be used for shelving temporary structure.
 3. Tarps, which are utilized on temporary structures, which are occupied by temporary merchants, shall be flame retardant or flame resistant as defined in this Ordinance. All tarps not complying with this ordinance shall be removed.
- B. All temporary structures shall be removed upon expiration of the time limit stated on the Temporary Structure permit.
- C. If the structure is not removed by the expiration date stated on the permit, the City may remove the structure without further notice to the owner and shall charge the cost of the removal to the owner. At the time the permit is issued, the Building Inspector or his designee shall provide the owner with a copy of this Ordinance. The owner or occupant of the temporary structure shall sign the permit, which will constitute sufficient notice that the structure shall not be placed for more than 30 days. The City may bring action in magistrate or circuit court for the recovery of costs incurred for the removal of said structure or structures.
- D. In the event that a structure erected pursuant to this Section is not removed by the expiration date and the City is forced to make repeated contacts with the owner of the property upon which the structure is erected or the individual who applied for the permit, the Building Inspector shall not issue subsequent permits under this Section to the owner of the property for the location unless the Building Inspector has reached an agreement with the owner of the property to assure the owner's future compliance with any temporary structures erected at that location.

- E. Temporary structures or appendages thereof shall not be placed closer than 5'0" to any public alley. (Exception: When the property owner provides a permanent barrier which is a minimum height of 5'0" between the temporary structure and the public right of way, the temporary structure may be placed closer than 5'0" to the public right of way. No sales may be permitted through the permanent barrier.)
- F. The permit hereinbefore described may be suspended or revoked if at any time the structure or its occupants are in violation of the Ordinances of the City of Sturgis or the laws of the State of South Dakota.
- G. Temporary structures may not be used for housing permanent or seasonal businesses unless within the exemption of subsection 2.03.16.

2.03.16: EXEMPT TEMPORARY STRUCTURES

After a Permit application has been received, the following temporary structures shall be exempt from the requirements set forth in the preceding Section.

- A. A temporary structure being used for the purpose of a temporary office during a construction project;
- B. A temporary structure being used for the purpose of a realty office in a new development;
- C. Temporary storage buildings used in conjunction with a permanent retail or wholesale business or residence, provided that said structures meet the setback requirements for the zoning district in which they are placed; and shall not exceed 120 Sq. Feet.
- D. Temporary storage buildings owned by a business that rents or sells them at one location to the general public.
- E. In conjunction with a permanent business as defined herein, the permanent business shall be allowed one (1) Temporary Structure to be located on the property. Furthermore, the business operating in or from the Temporary Structure shall be selling or vending items of like nature to which the permanent business sells or vends.

CHAPTER 2.04

LICENSING AND REGULATION OF CONSTRUCTION CONTRACTORS

SECTIONS:

- 2.04.01: License Required for Construction
- 2.04.02: Application of Chapter
- 2.04.03: Application for Contractor's License
- 2.04.04: Insurance Required for Construction
- 2.04.05: Contractor License Fee
- 2.04.06: Contractor License Term and Renewal
- 2.04.07: Required Inspections
- 2.04.08: Notice and Cost of Inspections

02.04.01: LICENSE REQUIRED FOR CONSTRUCTION

No person shall perform construction work within the City, on any property other than the person's current primary residence, or property for which the person meets the requirements of a Qualified Owner, until he/she has applied for and obtained a Contractor License from the Building Inspector's Office. Construction work subject to this requirement shall include but is not

limited to framing, moving or replacing cabinets or millwork, replacement of roofing, doors, windows; installation or repair of insulation, sound systems, flooring, carpets, wall coverings, paint subfloor or floor coverings of vinyl, tile or stone; retaining walls or fences with a height at or above four (4) feet above the original grade; placement or installation of paving or walkway material (such as concrete, blacktop, paving stones, etc.) or other material for use as a non-natural walking or driving surface. To qualify for an exemption from this license requirement, all construction work described in the permit must be performed by the person claiming the exemption, or by a legal employee working in the presence of and under the direct supervision of either the residential owner or, for non-residential property, in the presence of and under the direct supervision of the Qualified Owner.

2.04.02: APPLICATION OF CHAPTER

For purposes of this Chapter, construction work shall not include electrical work, plumbing work or work completed by a person on a residential structure owned and occupied by said person as their primary residence.

2.04.03: APPLICATION FOR CONTRACTOR LICENSE

To obtain a license from the Building Inspector, the applicant must make application to the Inspection Office in duplicate on forms to be furnished by the City. All requested information must be included and any incomplete application will not be processed and the license shall not be issued. Said application shall contain or be accompanied by the following information:

- A. The applicant's name, address and phone number;
- B. The name, address, and phone number of the company in whose name the application is being made, if different than set forth above;
- C. Proof of any state licenses held by the applicant;
- D. The applicant's state excise tax number;
- E. Proof of insurance as required by subsection 2.04.04;
- F. Payment of applicable fee; and
- G. Verification of any State required bond.

2.04.04: INSURANCE REQUIRED FOR CONSTRUCTION

Any applicant desiring to be licensed as a contractor shall be required to produce a certificate of insurance stating that the applicant has manufactures contractors liability insurance, including products and completed operations and property damage insurance; in the amount not less than One Million Dollars (\$1,000,000.00) per occurrence with an aggregate of not less than two million dollars (\$2,000,000). The insurance requirements set forth in this Section shall be maintained during the term of the license. Failure to maintain the required insurance may result in suspension or revocation of any license issued.

Any applicant claiming an exemption from the Contractor License requirement as a Qualified Owner for work to be done on of non-residential property, shall be required to produce a certificate of insurance stating that the applicant has general liability and property damage insurance coverage in the amount not less than One Million Dollars (\$1,000,000) per occurrence with an aggregate of not less than two million dollars (\$2,000,000). In the alternative the required coverage may be based on the value of the work stated in the Permit application, as approved by the Building Inspector.

An applicant claiming an exemption as a Qualified Owner shall also provide, as required by law, proof of coverage for workers' compensation insurance for any and all of applicant's employees, working under applicant's supervision, at the job site stated in the Permit application. The insurance requirements set forth in this Section shall be maintained during the term of the Permit.

Failure to maintain the required insurance may result in suspension or revocation of any Permit issued.

2.04.05: CONTRACTOR LICENSE FEE

With the application for a Contractor's License, said applicant shall pay a fee of One Hundred and Twenty Five Dollars (\$125.00).

2.04.06: CONTRACTOR LICENSE TERM AND RENEWAL

Any Contractor license issued shall be valid for twelve calendar months from the date of issuance. Any license may be renewed by the licensee prior to expiration by submitting a completed application and the necessary fee to the Building Inspector. Upon a determination by the Building Inspector that the application is in compliance with all applicable Sections of this Title, the license shall be issued. Any person working within the City with an expired license shall be considered to be unlicensed in violation of this Title.

2.04.07: REQUIRED INSPECTIONS

Due to the fact that inspections vary depending on whether the project is or includes a structure, street, sewer, water, etcetera, contractors shall be required to contact the Building Inspector's Office to acquire a list of required inspections for each individual project. In the event any contractor fails to call for an inspection, the project may be stopped until an inspection can be made.

The specific inspections required for each project shall be determined by the Building Inspector's Office. The Building Inspector's Office should include guidelines with the Manual of Construction Guidelines, addressing the type of inspections needed for certain projects. However the Building Inspector's Office shall maintain the discretion and authority to require any necessary testing and/or inspections depending on any individual project.

2.04.08: NOTICE AND COST OF INSPECTIONS

A minimum of twenty-four (24) hours' notice shall be given prior to any required inspection. The cost for an inspection shall be as set forth in the following schedule of Inspection Fees:

- Inspections outside of normal business hours \$50.00/hr
(Minimum charge – 1 hrs.)
- Inspections made on a holiday \$50.00/hr
(Minimum charge – 2 hrs.)
- Re-inspection fees \$50.00/hr
(Minimum charge – ½ hr.)
- Inspections for which no fee is specifically indicated \$50.00/hr
(Minimum charge – 1 hr.)
- Additional plan review required by changes, additions,
or revisions to plans \$50.00/hr
(Minimum charge – 1/2hr.)
- For use of outside consultants for plan checking,
inspections or both Actual cost

All Inspection Fees shall be collected by the Building Inspection's Office and remitted to the City Finance Office.

CHAPTER 2.05 ELECTRICAL CONTRACTOR LICENSE

SECTIONS:

- 2.05.01: License Required for Electrical Construction
- 2.05.02: Application for Electrical Construction License
- 2.05.03: Electrical Construction License Term and Renewal
- 2.05.04: Insurance Required for Electrical Construction
- 2.05.05: Electrical Construction Fees
- 2.05.06: Public Liability Not Created

2.05.03: ELECTRICAL CONSTRUCTION LICENSE TERM AND RENEWAL

Any license issued shall be valid for twelve calendar months from the date of issuance. Any license may be renewed by the licensee prior to its expiration by submitting a completed application and the necessary fee to the Building Inspector. Upon a determination by the Building Inspector that the application is in compliance with all applicable Sections of this Title, the license shall be issued. Any person completing work under an expired license shall be considered to be unlicensed in violation of this Title.

2.05.04: INSURANCE REQUIRED FOR ELECTRICAL CONSTRUCTION

Any applicant desiring to be licensed as an electrical contractor shall be required to produce a certificate of insurance naming the City of Sturgis as the holder stating that the applicant has contractors liability insurance, including products and completed operations and property damage insurance; in the amount not less than One Million Dollars (\$1,000,000.00) per occurrence with an aggregate of not less than two million dollars (\$2,000,000). The insurance requirements set forth in this Section shall be maintained during the term of the license. Failure to maintain the insurance may result in suspension or revocation of any license issued.

2.05.05: ELECTRICAL CONSTRUCTION FEES

Upon making application for an Electrical Construction License, said applicant shall pay the applicable fee as set forth below:

- A. Electrical Contractor: \$125.00

2.05.06: PUBLIC LIABILITY NOT CREATED

Consistent with the provisions of SDCL 36-16-36, this Chapter shall not be construed to relieve from or reduce the responsibility or liability of any party owning, operating, controlling, installing, altering, or repairing any electrical system or equipment for damages or injuries to persons or property nor shall the City be held as assuming any liability by reason of any of the Sections of this Chapter.

**CHAPTER 2.06
PLUMBING CONTRACTOR LICENSE**

SECTIONS:

- 2.06.01: License Required for Plumbing Construction
- 2.06.02: Application for Plumbing Construction License
- 2.06.03: Plumbing Construction License Term and Renewal
- 2.06.04: Insurance Required for Plumbing Construction
- 2.06.05: Plumbing Construction License Fees

2.06.01: LICENSE REQUIRED FOR PLUMBING CONSTRUCTION

No person shall perform plumbing construction work within the limits of the City, on any property other than the person's primary residence until he/she is licensed by the State to perform such work as described in the South Dakota State Plumbing laws, and obtains a Plumbing Construction License from the Building Inspector's Office.

2.06.03: PLUMBING CONSTRUCTION LICENSE TERM AND RENEWAL

Any license issued shall be valid for twelve calendar months from the date of issuance. Any license may be renewed by the licensee prior to its expiration by submitting a completed application and the necessary fee to the Building Inspector. Upon a determination by the Building Inspector that the application is in compliance with all applicable Sections of this Title, the license shall be issued. Any person completing work under an expired license shall be considered to be unlicensed in violation of this Title.

2.06.04: INSURANCE REQUIRED FOR PLUMBING CONSTRUCTION

Any applicant desiring to be licensed as a plumbing contractor shall be required to produce a certificate of insurance naming the City of Sturgis as the holder, stating that the applicant has contractor's liability insurance, including products and completed operations and property damage insurance; in the amount not less than One Million Dollars (\$1,000,000.00) per occurrence with an aggregate of not less than two million dollars (\$2,000,000). The insurance requirements set forth in this Section shall be maintained during the term of the license. Failure to maintain the insurance may result in suspension or revocation of any license issued.

2.06.05: PLUMBING CONSTRUCTION LICENSE FEES

Upon making application for a Plumbing Construction License, said applicant shall pay the applicable fee as set forth below:

- A. Plumbing Contractor/Sewer and Water Installer Contractor: \$125.00

CHAPTER 2.07

BUILDING AND STRUCTURE MOVER LICENSE

SECTIONS:

- 2.07.01: License Required for Moving Buildings or Structures
- 2.07.02: Application for License
- 2.07.03: Insurance Required
- 2.07.04: Fee
- 2.07.05: Permit Required Before Moving
- 2.07.06: New Building or Mobile Home

2.07.02: APPLICATION FOR LICENSE

Any person requesting to be licensed as a building and structure mover, shall make written application therefore to the Building Inspector. Said application shall include or be accompanied by the following information:

- A. The name, address and telephone number of the Applicant;
- B. Payment of applicable fee;
- C. Verification of required insurance coverage

Any license issued under this Chapter shall be effective for a period of one year from the date of issuance.

2.07.03: INSURANCE REQUIRED

Any applicant desiring to be licensed as a Building Moving contractor shall be required to produce a certificate of insurance naming the City of Sturgis as the holder, stating that the applicant has manufactures contractors liability insurance, including products and completed operations and property damage insurance; in the amount not less than One Million Dollars (\$1,000,000.00) per occurrence with an aggregate of not less than two million dollars (\$2,000,000). The insurance requirements set forth in this Section shall be maintained during the term of the license. Failure to maintain the insurance may result in suspension or revocation of any license issued.

2.07.05: PERMIT REQUIRED BEFORE MOVING

Before the owner of any building or structure shall be authorized to have a building or structure moved within the City by a licensed building and structure mover, he or she shall obtain a permit. Said owner shall make written application to the Building Inspector's Office and said application shall include or be accompanied by the following information:

- A. Name, address and phone number of the owner;
- B. Name, address and phone number of the licensed building and structure mover;
- C. A description of the route to be taken in so moving the building or structure;
- D. The date and time of the proposed move; and
- E. The length of time the move is expected to take.

In determining whether or not to issue the permit, the Building Inspector shall take into consideration any applicable Section of this Title and/or Title 18 relating to planning and zoning and determine if the building or structure proposed to be moved would have a final location is in compliance with the standards set forth in this Title, and Title 18. The Building Inspector shall also take into consideration the proposed route and whether or not said route is the most reasonable route to be taken for the proposed move.

2.07.06: NEW BUILDING OR MOBILE HOME

Any owner of a new building or structure for which a building permit has been issued by the Building Inspector, or a mobile home as defined in Title 18, shall be required to obtain a permit pursuant to this Chapter before said new building or structure may be moved into the City.

CHAPTER 2.08 LICENSING AND REGULATION OF PUBLIC EXCAVATION

SECTIONS:

- 2.08.01: License Required for Excavators
- 2.08.02: Application for Excavation Construction License
- 2.08.03: Excavation License Term and Renewal
- 2.08.04: Insurance Required for Excavation
- 2.08.05: Excavation Permit Fees
- 2.08.06: Permit Required Before Each Excavation
- 2.08.07: Excavation near Streets
- 2.08.08: Obstruction of Sewer Pipes, Manholes, Water Mains or Appurtenances
- 2.08.09: Excavation must be refilled
- 2.08.10: Failure to Comply
- 2.08.11: Bond Non-Applicable to Utility Companies
- 2.08.12: Barricades, Guards, Lights, Etc. Required

2.08.02: APPLICATION FOR EXCAVATION CONSTRUCTION LICENSE

To obtain a license from the Building Inspector, the applicant must make application to the Inspection Office in duplicate on forms to be furnished by the City. All requested information must be included and any incomplete application will not be processed and the license shall not be issued. Said application shall include or be accompanied by the following:

- A. The applicant's state excise tax number;
- B. Proof of required insurance;
- C. The applicant's name, address and phone number;
- D. Payment of applicable fee of \$125.00;
- E. The name, address and phone number of the applicant's contact person.

2.08.03: EXCAVATION LICENSE TERM AND RENEWAL

Any license issued shall be valid for twelve calendar months from the date of issuance. Any license may be renewed by the licensee prior to its expiration by submitting a completed application and the necessary fee to the Building Inspector. Upon a determination by the Building Inspector that the application is in compliance with all applicable Sections of this Title, the license shall be issued. Any person completing work under an expired license shall be considered to be unlicensed in violation of this Title.

2.08.04: INSURANCE REQUIRED FOR EXCAVATION

Any applicant desiring to be licensed as a excavating contractor shall be required to produce a certificate of insurance naming the City of Sturgis as the holder, stating that the applicant has contractors liability insurance, including products and completed operations and property damage insurance; in the amount not less than One Million Dollars (\$1,000,000.00) per occurrence with an aggregate of not less than two million dollars (\$2,000,000). The insurance requirements set forth in this Section shall be maintained during the term of the license. Failure to maintain the insurance may result in suspension or revocation of any license issued.

2.08.05: EXCAVATION PERMIT FEES

For each separate excavation project or job, the licensee shall submit a permit form at the location and in the manner established by the Building Inspector, and shall submit a permit fee for each such application of \$150.00.

2.08.08: OBSTRUCTION OF SEWER PIPES, MANHOLES, WATER MAINS OR APPURTENANCES

A contractor shall ensure that no sewer pipes, manholes, water mains or appurtenances that are part of the sewer system, shall be damaged in the process of making an excavation. If damage of any kind occurs during excavation, the licensee person shall compensate the City for the damage, including but not limited to compensation for the cost of any necessary repairs.

2.08.09: EXCAVATION MUST BE REFILLED

In refilling any excavation, the earth shall be thoroughly and completely compacted using machine compacting equipment. When the licensee has completely refilled it, the surface of the excavation shall not be any higher or lower than the original surface when the excavations were commenced and settling will be at a minimum. The licensee shall be completely responsible for any settling of any ditches that occur. In the event of any settling, the excavator shall be required to refill the ditch and compact it in such manner that the surface when refilled shall not be any higher or lower than the original surface when the excavations were commenced. The licensee shall, as soon as possible and in no case longer than 30 days after the start of such excavation, completely restore the street, alley, sidewalk, or other public place to the same condition as it was prior to the making of such excavation.

In the event that the surface is of concrete or asphalt, the licensee shall be required to replace the concrete or asphalt which is disturbed because of the excavation. In the event that the surface is a maintained lawn, the licensee shall be required to replace the lawn with sod approved by the City. The width of the patch shall be at least two (2) feet wider than the width of the actual excavation, if the excavation is two (2) feet or less. The width of the patch shall be at least four (4) feet wider than the actual excavation, if the excavation is more than two (2) feet wide. In the event that the surface is of concrete or asphalt, all openings in the concrete or asphalt shall be mechanically cut with a saw.

If any settling of the ditch occurs within two (2) years after the excavation is backfilled, the licensee shall, at his or her expense, be required to remove the patch, if applicable, compact the ditch and replace the surface. The licensee shall be responsible for maintaining the excavation from the time the excavation is backfilled until the surface is restored. This maintenance shall include periodic visual inspection of the excavation to insure that the excavation is not settling or the fill is not being pushed out of the excavation due to, or from, traffic.

All excavations shall, at all times, be at the same surface elevation as the original surface when the excavation was commenced and no excavation shall become a hazard for vehicular travel or pedestrian traffic. In the event that it comes to the attention of the City that any excavation is, or presents, a hazard to vehicular traffic or pedestrian traffic, the City shall call the telephone number noted on the permit application and advise the licensee of the problem. The licensee shall have a period of twenty-four (24) hours from the time of the telephone call to repair the excavation so as to eliminate the hazard. Notice under this provision shall be deemed to have been given by the City at the time the first call is made to the telephone number of the licensee, regardless of whether personal contact is made with the licensee as a result of the telephone call. In the event that the licensee refuses or neglects to repair the hazard within the twenty-four (24) hour period, the City shall have the right to have its crews repair the hazard and the licensee shall be responsible for all costs of labor, material, and machinery in making the required repairs. The licensee shall pay the cost of these required repairs within thirty (30) days of the date he or she is billed for the services. In the event the licensee does not pay within thirty (30) days, the City will not issue any additional permits pursuant to this Title to the licensee until payment is received by the City in full. If payment is not received by the City within thirty (30), days of the date of billing, the City may proceed with a claim made against the licensee pursuant to this Chapter. Said noncompliance and failure to pay may also result in revocation of the License issued pursuant to this Chapter.

2.08.10: FAILURE TO COMPLY

If at any time after the issuance of an Excavation Permit, the Building Inspector shall find that the work does not pass a satisfactory test, or has not been timely or properly refilled, maintained, and restored to its original conditions, Building Inspector shall notify the licensee in writing of the failure.

If the deficiency does not constitute a hazard to vehicular traffic or pedestrian traffic, the licensee shall have a period of twenty (20) days from the date of the written notification of the problem to correct or alleviate the problem. If the licensee does not correct or alleviate the problem within said twenty (20) day time period, the City shall have the right to have to do the required repair and charge the licensee for the labor, material, and equipment time in making the repairs. The City shall send a statement to the licensee notifying him or her of the charges pursuant to this Section and the Excavator shall have a period of thirty (30) days to pay the charges in full. In the event that payment is not made within thirty (30) days, no further permits shall be issued pursuant to Section 2.08.05 above until charges pursuant to this Section are paid in full. If the charges are

not paid to the City within sixty (60) days after the date of billing, the City shall have the right to obtain full reimbursement or restitution from the licensee.

2.08.11: BOND NON-APPLICABLE TO UTILITY COMPANIES

No utility company which has been granted, by franchise or contract, the right to use the streets, alleys or other public places, shall be required to furnish bond for making any excavations in any public right-of-ways; provided that all Sections of this Chapter relating to excavations in public right-of-ways shall be binding upon such companies.

2.08.12: BARRICADES, GUARDS, LIGHTS, ETC. REQUIRED

Any person making any excavation within the city on either public or private ground, shall, during the progress and continuance of the work, erect, keep and maintain about and around the same by day and night, suitable guards and fences, lanterns and signals as to prevent injury to any person, animal, or vehicle on account of such excavation. The requirements of this Section shall be performed in accordance with the requirements set forth in the Manual on Uniform Traffic Control Devices.

**CHAPTER 2.09
REVOCATION OF LICENSES**

SECTIONS:

2.09.01: Authority to Revoke License

2.09.02: Revocation Process

2.09.01: AUTHORITY TO REVOKE LICENSE

The Building Inspector or designee shall have the authority to revoke any license issued pursuant to this Title based upon any one or a combination of the following:

- A. Incompetence in the Contractor's performance of the work for which the person is licensed;
- B. Failure to comply with applicable City Ordinances, including adopted Building Codes;
- C. Failure to comply with applicable State Laws;
- D. Failure to pay applicable fees;
- E. Failure to submit or renew bond and/or insurance requirements.
- F. Significant number of complaints regarding the Contractor's failure to meet Building Code or City Ordinance requirements during the term of the Contractor's license

2.09.02: REVOCATION PROCESS

Any decision of the Building Inspector or designee to revoke a license issued under this Chapter shall be provided in writing with an explanation to the Licensee. Said Licensee may appeal the decision of the Building Inspector as set forth Chapter 2.13 within this Title.

**CHAPTER 2.10
FENCES**

SECTIONS:

2.10.01: Material Requirements for Fences

2.10.02: Height, Setback, and Construction Requirements for Fences

2.10.03: Permit Required for Fences

2.10.04: Application for Permit for Fences

2.10.05: Fee for Fence Permit

2.10.06: Unsafe or Hazardous Fences